



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



LETTER OF DEFICIENCY

#SP-2002-06

May 23, 2003

Terry Martel
Martell Revocable Trust
456 Brackett Rd
Wakefield, NH 03872

RE: DES Wetlands File #2003-00196 Brackett Rd, Wakefield

Dear Mr. Martel

On May 20, 2003, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, identified as Wakefield Tax Map 20, Lot 38, Brackett RD, Wakefield, New Hampshire (the "Property"). The purpose of this site inspection was to determine compliance with RSA 483-B, The Comprehensive Shoreland Protection Act. During the inspection the following deficiencies were noted:

- 1 Within the natural woodland buffer of the protected shoreland, a healthy, well-distributed stand of trees, saplings, shrubs and groundcovers was not left in place.
- 2 Erosion control measures were not in place

The Comprehensive Shoreland Protection Act ("CSPA") regulates the amount of trees and other vegetation that can be cut within 150 feet of the reference line of public waters of the state. Tree-cutting for the purpose of building is allowed provided that the area cleared is limited to the "building envelope" which extends 25 feet from the foot print of construction; limited to 15 feet within the primary building setback. It was observed that trees had been cut down to the reference line of Lovell Lake, outside of the allowable "building envelope."

In response, you are requested to take the following actions:

1. Install appropriate erosion control measures within 48 hours of receiving this Letter of Deficiency.
2. Within 30 days of receiving this Letter of Deficiency, submit the following information to DES:
 - a. A detailed explanation as to why the trees were cut, including intended plans for the property.

- b. If you are not intending to build on the property, please submit plan outlining the replacement of saplings in the area where trees were cut within 150 feet of Lovell Lake. The planting plan should indicate the number, type of plant species, proposed location of plantings, and diameters of the plant species at breast height. Saplings should be a minimum of 4-6 feet in height and all plantings should be from the list of New Hampshire native and naturalized species. Saplings should be proposed in areas where trees were removed; or
- c. If you are intending to build on the property, please submit:
 - i. A copy of the building permit issued by the town of Wakefield; and
 - ii. A copy of you proposed site plan.
- d. Photographs showing erosion control measures.

RSA 482-A, the New Hampshire Wetlands Law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit.

RSA 483-B, CSPA, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establishes minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Allyson Gourley, Shoreland Compliance Coordinator
Wetlands Bureau
Department of Environmental Services
6 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Enclosed, for your information, are copies of fact sheets explaining the Comprehensive Shoreland Protection Act, a copy of the Act, administrative rules Env-Ws 1400, and proper installation and maintenance of erosion control measures. Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Allyson Gourley at (603) 271-6876 or agourley@des.state.nh.us. or myself at (603) 271-2147 or mtilton@des.state.nh.us.
(or 271-4061)

Sincerely,

COPY

Mary Ann Tilton

Senior Enforcement Officer
Wetlands Bureau

CERTIFIED MAIL 7002 3150 0001 5411 1869

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit
Wakefield Conservation Commission
Wakefield Board of Selectmen
David Killoy, USACOE